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APPLICATION N	O.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,716	•	10/21/2003	Michael Francis Higgins	08831.0060	9772
42304	7590	06/07/2006		EXAMINER	
CLAIRV	OYAN'	TE, INC.	LUU, MATTHEW		
		EIN HIGHWAY SOU	ART UNIT	PAPER NUMBER	
SEBAST(OPOL, (CA 95472	ARTONI	TATER NOMBER	
				3663	
			DATE MAILED: 06/07/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

 -		Application No.	Applicant(s)				
Office Action Summary		10/690,716	HIGGINS, MICHAEL FRANCIS				
		Examiner	Art Unit				
		LUU MATTHEW	3663				
	The MAILING DATE of this communication app	L					
	Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	Responsive to communication(s) filed on <u>06 Ar</u>	oril 2006.					
·	This action is FINAL . 2b) This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4)⊠	4)⊠ Claim(s) <u>1-12 and 33-35</u> is/are pending in the application.						
•	4a) Of the above claim(s) is/are withdrawn from consideration.						
	☐ Claim(s) is/are allowed.						
•	Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)🖾	Claim(s) 1-12 and 33-35 are subject to restriction	on and/or election requirement.					
Applicati	on Papers						
	The specification is objected to by the Examine						
•	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
<u> </u>							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
/.	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.							
•							
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
	1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Other:							

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Election/Restrictions

- 1. Upon review of Applicant's amendment to the claims filed April 6, 2006, it is noted that a restriction/election is warranted. Any inconvenience to Applicant is regretted.
- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, drawn to a gamut conversion system comprises gamma unit and a chroma/luma conversion unit, classified in class 358, subclass 520.
 - II. Claims 33-35, drawn to a gamut conversion system comprises a look up table and a calculation unit, classified in class 345, subclass 604.
- 3. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, invention I has separate utility such as a gamut conversion system comprises gamma unit and a chroma/luma conversion unit without a look up table and a calculation unit. The invention II has separate utility such as a gamut conversion system comprises a look up table and a calculation unit without a gamma unit and a chroma/luma conversion unit. In other words, each one of the

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inventions recited in Group I and Group II is separately usable in a system not having the other. See MPEP § 806.05(d).

- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. Upon election of invention I or II, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):
 - A. The embodiment of Fig. 1 (gamut conversion/expansion system).
 - B. The embodiment of Fig. 7 (a technique for conversion of one gamut to another by calculation a scaling factor).
 - C. The embodiment of Fig. 8 (a system that performs the gamut conversion from one color space to another color space).
- 6. Upon election of invention A, B, or C, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to

which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- (1) Wherein the gamut conversion values are determined by traversing the edges of a plurality of gamuts.
- (2) Wherein the gamut conversion values are derived by traversing the edge of a gamut polygon to generate a saturation values at each hue angle.
- 7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I, A and (1)), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU PRIMARY EXAMINER

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